

**REMARKS**

Claims 1-2, 5-6 and 9-20 are pending in this application. By this Preliminary Amendment, claims 1, 5 and 11 are amended and claims 14-20 are added. Reconsideration in view of the above amendments or the following remarks is respectfully requested.

A. Applicants respectfully note that the April 4, 2006 Final Office Action rejected claims 1-2, 5-6 and 9-13 under 35 U.S.C. §103(a) over U.S. Patent No. 6,550,011 to Sims III, U.S. Patent No. 6,398,245 to Gruse et al. and U.S. Patent No. 6,367,019 to Ansell et al. Applicants respectfully submit that Sims, Gruse and Ansell, individually or in combination, would not result in at least features of a copy protection method for digital media including passing said media data set and media key encrypted in the step (f) to an external compliant device, wherein the passing step includes performing a compliance test with the external device, wherein the compliance test is performed responsive to whether the media data set is protected and a type of the external device and combinations thereof as recited in claim 1.

For at least the above reason, Applicants respectfully submit claim 1 defines patentable subject matter. Claims 5 and 11 define patentable subject matter for at least reasons similar to claim 1. Claims 2, 6, 9-10 and 12-13 depend from claims 1, 5 and 11, respectively, and therefore also define patentable subject matter for at least that reason as

Serial No. 10/061,364

Docket No. CIT/K-0138

well as their additionally recited features. Thus, Applicants respectfully submit claims 1-2, 5-6 and 9-13 define patentable subject matter and withdrawal of the rejection of these claims under §103 is respectfully requested.

B. Claims 14-20 are newly added by this Amendment and believed to be in condition for allowance.

### CONCLUSION

Prompt examination and allowance in due course are respectfully solicited.

Should the Examiner have any questions regarding the above-identified application, the Examiner is invited to contact the undersigned attorney, **Carl R. Wesolowski**, at the telephone number listed below.

Serial No. 10/061,364

Docket No. CIT/K-0138

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,  
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